

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EMPLOYEE PAINTERS' TRUST
HEALTH AND WELFARE FUND,
WESTERN GLAZIERS RETIREMENT
TRUST FUND, and WESTERN
WASHINGTON APPRENTICESHIP
AND TRAINING TRUST,

Plaintiffs/Judgment Creditors,

v.

PACIFIC NORTHWEST
CONTRACTORS, INC., a Washington
corporation; DANIEL A. JANKANISH
and JANE DOE JANKANISH, husband
and wife and the marital community
comprised thereof; and STEVE COOPER
and JANE DOE COOPER, husband and
wife and the marital community composed
thereof,

Defendants/Judgment Debtors.

CASE NO. C12-5039 BHS/KLS

MAGISTRATE JUDGE
CERTIFICATION

This certification is issued by the undersigned Magistrate Judge pursuant to 28 U.S.C. §

636(e)(6) in support of District Judge Benjamin H. Settle conducting a show cause hearing requiring the Defendant/Judgment Debtor **Daniel A. Jankanish** to show cause why he should not be found in civil contempt.

The Show Cause hearing is hereby scheduled for **Monday, January 28, 2013 at the U.S. Courthouse, 1717 Pacific Avenue, Tacoma, Washington in Courtroom E at 3:30 p.m. and the Defendant/Judgment Debtor DANIEL A. JANKANISH is directed to be present for that hearing.**

For purposes of the certification, the Magistrate Judge certifies the following facts:

The Plaintiffs/Judgment Creditors hold a judgment in their favor in the amount of \$384,734.69 against the Defendants/Judgment Debtors entered in Case No. 3:11-cv-5271 RJB, entered in this District Court.

On October 18, 2012 the undersigned signed an Order for Judgment Debtor Exam which required the Defendant/Judgment Debtor Daniel A. Jankanish, individually and as an officer of Pacific Northwest Contractors, to appear for a Judgment Debtor Exam on November 29, 2012 at 2:30 p.m. to answer questions concerning property subject to the ownership and control of Daniel A. Jankanish and Pacific Northwest Contractors, Inc. In addition, the Order required Daniel A. Jankanish and/or Pacific Northwest Contractors Inc. to bring with him numerous documents. ECF No. 2.

Daniel A. Jankanish was served with the Order for Judgment Debtor Exam on October 22, 2012 as documented in the Affidavits of Service filed with this Court. ECF NO. 3.

On Thursday, November 29, 2012 at 2: 30 p.m. Michael A. Urban appeared on behalf of the Plaintiffs/Judgment Creditors. Mr. Jankanish was not present at 2:30 p.m. The undersigned waited an additional 15 minutes before calling the case on the record. Mr. Jankanish was not present and Mr. Urban had not heard from Mr. Jankanish.

1 The undersigned advised Mr. Urban, on the record that she would prepare a Certification
2 and scheduled a show cause hearing before Judge Settle for Monday, January 28, 2013 at
3 3:30p.m.

4 The undersigned finds that the Defendant/Judgment Debtor Daniel A. Jankanish failed to
5 appear, as directed, for the Judgment Debtor Examination as scheduled and for which he was
6 served and had notice.

7 The undersigned recommends that the District Judge conduct a hearing on Monday,
8 January 28, 2013 to hear evidence as to the act or conduct complained of and, if it is such as to
9 warrant punishment, punish the Defendant/Judgment Debtor Daniel A. Jankanish in the same
10 manner and to the same extent as for a contempt committed before a district judge. 28 U.S.C. §
11 636(e)(5).

12 The Plaintiffs/Judgment Creditors are directed to serve a copy of this Certification on the
13 Defendant/Judgment Debtor Daniel A. Jankanish and to file an Affidavit of Service once service
14 has been accomplished.

15 DATED this 3rd day of December, 2012.

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18 Karen L. Strombom
19 United States Magistrate Judge
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